

APPEAL NO. 040828  
FILED MAY 25, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 17, 2004. On the sole issue, the hearing officer decided that the respondent (claimant) has an impairment rating (IR) of 16%, as certified by the designated doctor appointed by the Texas Workers' Compensation Commission (Commission). The appellant (carrier) appeals this determination on sufficiency of the evidence grounds. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant has a 16% IR, as certified by the Commission-appointed designated doctor. Section 408.125(e) provides that the report of the designated doctor shall have presumptive weight and the Commission shall base the IR on that report unless the great weight of the other medical evidence is to the contrary. Whether the designated doctor's report is contrary to the great weight of the other medical evidence involves a question of fact for the hearing officer to resolve. Texas Workers' Compensation Commission Appeal No. 000869, decided June 7, 2000. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's IR determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLY-GRAY, PRESIDENT  
6907 CAPITOL OF TEXAS HIGHWAY NORTH  
AUSTIN, TEXAS 78755.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Chris Cowan  
Appeals Judge